

CC 92-237

From: "BENNETT, MICHAEL W" <mb6209@txmail.sbc.com>
To: Ann Lalena <anne.la.lena@wcom.com>, Glenn Manishin...
Date: 12/30/97 11:58am
Subject: RE: Position Re B&C Agent

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Allan:

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I agree with Dan Bart's comments.

DEC 30 1997

Mike Bennett

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

> -----
> From: Alan Hasselwander[SMTP:ahasselw@frontiernet.net]
> Sent: Tuesday, December 30, 1997 9:08 AM
> To: Ann Lalena; handleyc@pcia.com; DLittl01@sprintspectrum.com;
> BirdwiseDC@stentor.ca; Glenn Manishin; Banuelos, John (PTG-JPBANUE);
> murphy@api.org; goldenm@pcia.com; bernard.harris@telops.gte.com;
> DPHinkel@cinbell.com; Lirving@NTIA.doc.gov; lkrevor@nextel.com;
> ekerkeslager@attmail.com; smiller@atis.org; gmorelli@comptel.org;
> gpthomps@mobility.com; grise@eot.com; MRobin03@sprintspectrum.com;
> 73451.37@compuserve.com; shulman@tcg.com; ray.strassburger@nt.com;
> dwhyte@attcanada.com; BENNETT, MICHAEL W; gpthomps@mobility.com;
> vincent.majkowski@dora.state.co.us; bethodonel@aol.com;
> leo.nevel@crtc.gc.ca; cwalker@nextlink.net; Ronald.R.Conners@lmco.com;
> smurfs@attmail.com; apupek@usta.org; hbgold1@ix.netcom.com;
> Bfontes@ctia.org; peter.p.guggina@mci.com; pkhart@usta.org;
> paul.jones@twcable.com; amiller@omnipoint.com; SarrazinJR@stentor.ca;
> DBart@tia.eia.org; loren.sprouse.eando@igate.sprint.com;
> gvinall@erols.com; daniel_hochvert@smtp.nynex.com
> Cc: Erin Duffy; enightin@fcc.gov
> Subject: Position Re B&C Agent
>
> A number of NANC members have not yet responded to the question of
> whether
> or not to continue with NECA as NANPA B&C Agent in view of its
> position re
> higher fees. If you have not yet replied please do so by close of
> business
> tomorrow.
> Al H
>

CC: Erin Duffy <EDUFFY@fcc.gov>

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From: <Daniel_Hochvert@SMTP.NYNEX.COM>
To: FCCMAIL.SMTPNLM("ahasselw@frontiernet.net")
Date: 12/30/97 1:38pm
Subject: Re: Position Re B&C Agent

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Daniel Hochvert@NYNEX
12-30-97 02:38 PM
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I support changing to Lockheed .

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Dan

To: anne.la.lena@wcom.com, handleyc@pcia.com,
DLittl01@sprintspectrum.com, BirdwiseDC@stentor.ca,
glenn@technologylaw.com, jpbanue@legal.pactel.com,
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shulman@tcg.com, ray.strassburger@nt.com, dwhyte@attcanada.com,
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pkhart@usta.org, paul.jones@twcable.com, amiller@omnipoint.com,
SarrazinJR@stentor.ca, DBart@tia.eia.org,
loren.sprouse.eando@igate.sprint.com, gvinall@erols.com, Daniel
Hochvert

cc: EDUFFY@fcc.gov, enightin@fcc.gov
From: ahasselw@frontiernet.net
Date: 12/30/97 10:08:34 AM
Subject: Position Re B&C Agent

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tomorrow.

AI H

CC: J7.J7(EDUFFY,ENIGHTIN),FCCMAIL.SMTPNLM("gvinall@er...

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From: BETHODONEL <BETHODONEL@aol.com>
To: FCCMAIL.SMTPNLM("anne.la.lena@wcom.com","pkhart@us...
Date: 12/30/97 2:46pm
Subject: Re: NECA's Request for Additional Fee. Recommendation of the Steering Group and...

Dan, et al: I participated in the conference call and believe that each of Dan's point were considered. If emotion played any part at all in the debate, it was due to the late date at which NECA gave notice of the size of the requested adjustment. I felt blind-sided, and felt that NECA created a credibility gap-- a gap we were intensely focused on when it came to the Lockheed NANP bid. We attempted to close the gap in that situation by saying Lockheed would be held to its firm, fixed bid under all but the most extraordinary circumstances. Other commenters noted that Lockheed could ask for more money, but we didn't have to approve it. My sense of fairness, along with the precedential nature of approving the first such request (and an enormous one at that) would not allow me to support NECA as the B/C agent unless it too was held to the same standards.

The NECA representatives said they were not willing to perform the B/C duties under the bid terms and conditions NANC approved. Unfortunately, we were left with one choice: Lockheed. If we had the time to do another round of bidding, NECA might have won again. But the costs to the industry of waiting and the possible disruption to the NANP transition could be substantial, even compared to the \$100,000 per year differential.

In the end, I respect Dan's comments about costs and process, and the full NANC should approve or reject the Steering Committee recommendation at its next meeting. The polling will give us all a sense of where this is headed, and will give the "likely" vendor some additional time to prepare.

Thank you for your attention.

CC: J7.J7(LSELZER,JGRIMES,ENIGHTIN,EDUFFY),FCCMAIL.SMT...

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From: Elizabeth Nightingale
To: FCCMAIL.SMTPNLM."dbart@tia.eia.org"
Date: 12/30/97 3:14pm
Subject: Re: NECA's Request for Additional Fee. Recommendation of the Steering Group and... -Reply

Dan, this e-mail is to confirm that it was in response to advice from FCC staff that Al Hasselwander chose the e-mail polling option to receive the positions of the NANC members on the Steering Group recommendation regarding NECA, rather than the conference call option. FCC staff advised Al that, to comply with FACA notice requirements, a conference call would necessitate prior notice in the Federal Register (15 days prior, which could be shortened to 10 days), meaning that a conference call could be scheduled, at earliest, for Monday January 12, 1998. FCC staff advised, however, that polling by e-mail would not be subject to the notice requirements. Al indicated a desire to go with the e-mail polling option, because of the urgency of the situation. I would like to note that, to ensure compliance with FACA, FCC staff intends, after the conclusion of the polling, to include Al's December 22, 1997 e-mail stating the Steering Group Recommendation and soliciting positions of NANC members, as well as all e-mails in response to it, as part of the public record in the NANC docket (CC Docket No. 92-237), to ensure compliance with FACA.

Dan Bart <dbart@tia.eia.org> 12/30/97 12:21pm

Elizabeth, since Marian's Email reflected back that she is out of office til next week, I am forwarding you this msg along with CC's to the parties you advised. I am working both at home and in the office this week, but you can page me at 800 SKY PAGE, Pin #1192205 if you have any questions. I believe this matter has a degree of time sensitivity but at the same time as a NANC member I want to make sure that FACA is complied with and that our processes and procedures do not make haste when careful deliberation will yield a more legally defensible position. Call if questions.

Dan Bart <dbart@tia.eia.org> 12/30/97 11:00am

If a conference call where all NANC members can hear and be heard (and if allowed, members of the public could also be allowed to monitor the discussions) does not satisfy FACA requirements as Al H has advised, does the FCC or the FCC's General Counsel's Office believe a private Email response to a query from the NANC Chair, with no oversight of the ballot tabulation, no opportunity for discussion among NANC participants, no public involvement, somehow DOES satisfy the FACA for NANC action?

Al H advises he has "cleared" this process with the FCC. A President of the USA once told me to "trust but verify," thus as a NANC member I want to "verify" with the Designated Federal Official for this Federal Advisory Committee that this "process" of determining a NANC Recommendation to the FCC has been approved by the FCC Staff as satisfying the FACA requirements. I do not want to have a decision made by a process that is at risk to a successful legal challenge by an aggrieved party. Can you please do that?

<ahasselw@frontiernet.net> 12/29.97 8:27pm

Dan A Conference Call on the part of NANC I am advised would constitute a meeting requiring a public notice and all the delay associated with it. I would have preferred a Conference Call, but I don't want any more delay in this process. Thus I cleared the procedure we are using. You are of course free to share your thoughts and opinions with NANC members. Al H.

CC: FCCMAIL.SMTPNLM."canto@wow.net", FCCMAIL.SMTPNLM."...

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CC: Erin Duffy <EDUFFY@fcc.gov>

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